IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7723 OF 2003

Tharumal Kisanchand Fulwani .. Petitioner

Vs.

The Collector of Nasik & Ors. .. Respondents

Ms.Veena Thadani for the petitioner

Mr.A.H.Palekar for the respondents

CORAM : S.U.KAMDAR, J
DATED : 24TH NOVEMBER, 2005

P.C.:

1. The learned counsel for the state states that they do not press the order dt.19.8.03 and assures the court that the matter will be heard afresh. The concerned Ministry of State Excise department is already been changed and in that view of the matter matter to be placed for hearing with the concerned minister occupying the said position at present. Accordingly, I direct the concerned Minister of State Excise to hear the matter afresh and without being influenced in any manner whatsoever by the impugned order dt.19.8.03. Order

of 19.8.03 does not survive any further.

2. In the light of the statement made by the Government Department, concerned Minister is further directed to decide and dispose of the said proceedings for revocation of licence of the petitioner by 31.12.05. It goes without saying that the concerned Minister will hear the petitioner and after giving an opportunity of personal hearing, pass afresh speaking order without in any manner being influenced by the order dt.19.8.03. It is further made clear that if the Minister has relied on any material whatsoever in the said proceeding then the copies thereof be furnished to the petitioner thereof so as to enable the petitioner to deal with the material on merits. In view of the aforesaid petition is disposed of accordingly. No order as to costs.